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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,653

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Christopher W. Blackburn

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EXAMINER

CHEUNG, VICTOR

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,653	Applicant(s) BLACKBURN ET AL.	
	Examiner VICTOR CHEUNG	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/07/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response has been filed on 05/07/2008.

Claims 1-5, 8-15, and 18-20 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-5 and 11-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 30-33, 35, 1-2, 26-27, and 29, respectively, of copending Application No. 10/788,903. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the claims is that the present application claims "an event management service" whereas the copending application only claims "a service." However, the copending application describes that an event management service is a type of service (see also claim 11 of the copending application).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8-9, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto et al. (US Patent No. 6,916,247) in view of Hendrickson (US Patent Application Publication 2004/0087367), Atwal et al. (US Patent Application Publication 2003/0061404), and Gottschalk (IBM Systems Journal, Vol. 42, No. 2).

See the Response to Arguments regarding the claims and the prior art.

Re Claims 1: Gatto et al. teach a method for providing an event management service in a gaming network including gaming machines (Col. 2 Lines 37-45), the method comprising publishing an availability of the event management service (Fig. 19-20; Col. 13 Lines 64-67), receiving a discovery request for the event management service (Fig. 19-20; Col. 14 Lines 2-5), registering by a gaming client with the event management service (Fig. 19-20; Col. 14 Lines 18-20), and processing

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one or more service requests conforming to an internetworking protocol (Fig. 19-20; Col. 14 Lines 21-24). (Col. 15, Lines 57-63; Col. 16, Lines 7-10).

However, Gatto et al. do not specifically disclose an event management service for a gaming machine wherein a wager at the gaming machine of the plurality of gaming machines causes a depicting indicia representative of a randomly selected outcome of a wagering game, determining by the discovery agent if the event management service is authentic and authorized, verifying that the gaming machine is authorized to utilize the event management service,

Hendrickson discloses an event management service for storing event data from a plurality of gaming machines, wherein a wager at a gaming machine of the plurality of gaming machines causes a depicting indicia representative of a randomly selected outcome of a wagering game (Fig. 1; Paragraph 30).

Atwal et al. disclose that a client is verified to be authorized to utilize the service (Paragraph 52). Atwal et al. also disclose that the clients subject to authorization may include web service providers (Paragraph 43).

Gottschalk discloses that private UDDI registries may exist, where the registry is controlled to only permit allowed users may publish onto the registry (Page 175, *Service publication and service discovery standards for Web services*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an event management service that is accessible to a plurality of gaming machines, thereby providing a centralized database that includes data from a plurality of gaming machines. It would have been obvious to verify the gaming machine to utilize the event management service, thereby providing a level of security to prevent unwanted or unauthorized users from accessing the event management service. Similarly, it would have been obvious to determine if the event

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management service is authentic and authorized before publishing its availability, thereby providing a security measure and allowing only services desired to be allowed on the network by the establishment to be published.

Regarding the additional amendments of “sending service information”, “publishing service information to a service repository”, receiving a request “for the location of the event management service”, “returning the service information for the event management service”, and “using the service information for the event management service”, it is disclosed in Gatto et al. of the use of Web Services using XML, SOAP, WSDL, and UDDI. Web services using these standardized technologies are well known in the art to implement the methods of publishing, discovering, and binding in order to supply the services to the clients. The UDDI registries include the locations of the service providers.

Re Claims 2-5: Gatto et al. teach that networking between service requesters and service providers can utilize a universal solution over the Internet using XML (extensible markup language), SOAP (simple object access protocol), WSDL (web services description language), and UDDI (universal scripting discovery and integration). The XML/SOAP/WSDL/UDDI system enables web services to be published by service providers, and for the web services to be searched for and binded to by a service requester. (Col. 15 Lines 57-67)

Re Claim 8: Gatto et al. teach a web service including an asynchronous notification of events to a central server from a gaming machine including the Internet protocols and technologies discussed above in regards to claims 2-5 (Col. 2 Lines 37-45). Hendrickson additionally discloses reporting events, as discussed above in regards to claim 1.

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Re Claim 9: Gatto et al. teach the storing of important events in an audit log in persistent storage (Col. 10 Lines 13-20).

Re Claims 11-19: Gatto et al., in view of Hendrickson, Atwal et al., and Gottschalk, teach a gaming network system for performing the method steps discussed above. (Col. 2 Lines 37-45)

6. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto et al. (US Patent No. 6,916,247) in view of Hendrickson (US Patent Application Publication 2004/0087367), Atwal et al. (US Patent Application Publication 2003/0061404), and Gottschalk (IBM Systems Journal, Vol. 42, No. 2) as applied to claims 1 and 11 above, and further in view of Atkinson et al. (US Patent Application Publication No. 2004/0142744).

Gatto et al. additionally disclose that the roles of service provider and service requester are commonly reversed as service requester and service provider (Col. 16, Lines 7-10).

However, Gatto et al. do not specifically disclose a gaming client querying an event management service for an event.

Atkinson et al. teach that in a gaming network environment, it is beneficial for applications to both provide data and request data (Page 1, Paragraph 18). Data may include events that occur while the gaming machines are being played (Page 1, Paragraphs 3-4). Generally, clients can provide users information about the gaming network through queries (Page 2, Paragraph 32).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made for a client to query the service for an event, thereby servicing users of games on the gaming network through accessing the stored data.

Response to Arguments

7. Applicant's arguments filed 05/07/2008 have been fully considered but they are not persuasive. Applicant argues that none of the prior art in combination discloses a discovery agent determining if the event management service is authentic and authorized. However, Gatto discloses authentication and authorization methods that may be used for any specialized device (Col. 2, Lines 59-61; Col. 10, Lines 55-62). Gottschalk discloses a situation where a registry must be controlled to only permit allowed user to publish onto the registry (Page 175, *Service publication and service discovery standards for Web services*). Atwal et al. disclose a "gateway module" performing the duties of authenticating and authorizing services, and acting as a communication gateway between clients and services (Paragraphs 49-52). Examiner maintains that the claim is taught by at least a combination of the references which present both an authenticating/authorizing system and a situation needing the use of it.

Also note that in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., authorization through a username/password entered by a user that places data into the registry) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR CHEUNG whose telephone number is (571)270-1349. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/V. C./
Examiner, Art Unit 3714